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No. 84-560

IN THE

Supreme Court of the United States

OCTOBER TERM, 1984

WALTER PODROG AND J. FRANK MANNING,
Class Representatives, Grand Junction Bondholder Class
(Fabricating, Inc.)
Petitioners,

vs.

WARING, COX, JAMES, SKLAR & ALLEN,
Attorneys, a partnership,
Respondents.

PETITIONER'S REPLY BRIEF PURSUANT TO RULE 22.5, ADDRESSED TO ARGUMENTS FIRST RAISED IN RESPONDENTS' BRIEF IN OPPOSITION

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Respondent's first contend that the Attorney General of Tennessee should have been notified of the proceedings in the state courts.

The various requirements cited by Respondents to the effect that the Attorney General be notified of the state court proceedings apply only where there is a claim that the statute involved is unconstitutional; Petitioners have never contended that the statutes in question (T.C.A. §28-304 and T.C.A. §28-305) are unconstitutional; rather, Petitioners' contention is that the Tennessee Supreme Court in applying said statutes to the case at bar has grafted judicially created amendments on to them to give unwarranted and constitutionally impermissible special privileges to attorneys: — namely, being free from suit

after one year, even though non-attorneys, for the same violation of a securities fruad statute, are not free until after three years.

It follows that since Petitioners have never contended that the statutes in question are unconstitutional, there is no merit to Respondents' argument that the Petition should be dismissed for failure to notify the Tennessee Attorney General of the state court proceedings.

The second argument advanced by Respondents, that there is no important federal question involved, is equally without merit. Nothing is more important to this Court and the Nation than that this Court stand as the ultimate guardian of the right of every citizen to the equal protection of the law. This Court cannot correct every denial of equal protection, but where the denial results in special privilege for attorneys, who are officers of the Court, it is especially important that this Court intervene.

Respectfully submitted,

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